

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

May 8, 2014

- I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present - Mike Owens, Chair; Patrick Brewer; Mike Cravens; David Drake; Karen Mundy; Carolyn Plumlee; Frank Penn; Joseph Smith and Bill Wilson (arrived at 1:39 p.m.). Will Berkley and Carla Blanton was absent.

Planning Staff members present - Bill Sallee; Barbara Rackers; Tom Martin; David Jarman; Kelly Hunter; Cheryl Gallt and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; Tim Queary, Department of Environmental Policy; Casey Kaucher, Division of Traffic Engineering, and Tracy Jones, Department of Law.

- II. **APPROVAL OF MINUTES** – The minutes of the March 13, 2014 and April 10, 2014, meetings were considered by the Planning Commission at this time.

Action - A motion was made by Ms. Plumlee, seconded by Ms. Mundy and carried 8-0 (Berkley, Blanton and Wilson absent) to approve the minutes of the January 30, 2014, and February 20, 2014, meetings.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal were considered at this time.

- a. DP 2014-13: GROWTH PROPERTIES (AMD) (5/8/14)* - located at 100 Goodrich Avenue.
(Council District 3)

(Vision Engineering)

Note: The Planning Commission postponed this plan at their March 13, 2014; March 27, 2014 and April 10, 2014, meetings. The purpose of this amendment is to depict a single family residence at 100 Goodrich Avenue, the line separating it from the B-1 zone, and to revise plan notes.

The Subdivision Committee Recommended: **Postponement**. There are concerns regarding the suitability of the proposed single family use and the historic storm water flooding conditions.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Correct typographical errors throughout plan notes.
9. Restore access restrictions from previous note #11.
10. Discuss need to establish a finished floor elevation for proposed residence on 100 Goodrich Avenue.
11. Discuss possible 25' building line at 100 Goodrich Avenue.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2014-13: GROWTH PROPERTIES (AMD) to the June 12, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Penn and carried 8-0 (Berkley, Blanton and Wilson absent) to postpone DP 2014-13: GROWTH PROPERTIES (AMD) to the June 12, 2014, Planning Commission meeting.

- b. DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD) (6/1/14)* - located at 858 Malabu Drive.
(Council District 4)

(Vision Engineering)

Note: The Planning Commission postponed this plan at their April 10, 2014, meeting. The purpose of this amendment is to add a building and provide additional parking.

The Subdivision Committee Recommended: **Postponement**. The development plan is missing information demonstrating that it is in compliance with the Zoning Ordinance.

* - Denotes date by which Commission must either approve or disapprove request.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote boundaries of property in solid line.
10. Addition of record plat designation.
11. Complete topography information.
12. Denote access point for construction.
13. Addition of access points across the street.
14. Denote P-1/R-4 zoning boundary on plan.
15. Denote zone-to-zone screening buffer widths on plan.
16. Denote required and provided open space in site statistics.
17. Denote height of building, in feet.
18. Denote floor area and floor area ratio in site statistics.
19. Denote all existing and proposed easements.
20. Addition of tree inventory and tree canopy information.
21. Dimension driveways, drive aisle and driveway apron.
22. Discuss 5' side yard setback and possible variance.

Representation – Matt Carter, Vision Engineering, was present representing the applicant, and requested postponement of DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD) to the June 12, 2014, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Penn, seconded by Ms. Mundy and carried 8-0 (Berkley, Blanton and Wilson absent) to postpone DP 2014-26: KIRKLEVINGTON NORTH, TRACT B (AMD) to the June 12, 2014, Planning Commission meeting.

- c. PLAN 2014-11F: TUSCANY, UNIT 10 (5/8/14)* - located at 1970 Winchester Road.
(Council District 6)

(EA Partners)

Note: The Planning Commission postponed this plan at their March 13, 2014 and April 10, 2014, meetings.

The Subdivision Committee Recommended: **Postponement.** There were some questions regarding the need for a preliminary subdivision plan and the timing and construction of public infrastructure in the area.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Denote right-of-way width of Winchester Road at cross-section location.
10. Addition of building line along Meeting Street.
11. Discuss extension of Meeting Street and timing of its approval for construction.
12. Discuss access proposed to Winchester Road.
13. Discuss sanitary sewers necessary to serve lot.
14. Discuss need for preliminary subdivision plan.
15. Discuss Urban County Engineer's and engineer's certifications.

Representation – Rory Kahly, EA Partners, was present representing the applicant, and requested postponement of PLAN 2014-11F: TUSCANY, UNIT 10 to the June 12, 2014, Planning Commission meeting.

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Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer and carried 8-0 (Berkley, Blanton and Wilson absent) to postpone PLAN 2014-11F: TUSCANY, UNIT 10 to the June 12, 2014, Planning Commission meeting.

- d. DP 2014-34: LYNN GROVE ADDITION, LOTS 79 & 80 (AMD) (6/24/14)* - located at 105-107 Burley Avenue.
(Council District 3) **(Andy McIntire)**

Note: The Planning Commission postponed this plan at their April 10, 2014, meeting. The purpose of this amendment is to add buildable area to two buildings.

The Subdivision Committee Recommended: Postponement. The development plan is not demonstrating that it is in compliance with the Zoning Ordinance requirements for usable open space.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Correct plan title.
11. Denote plan preparer.
12. Denote record plat designation.
13. Denote property location on vicinity map.
14. Addition of walkways from building entrance to public sidewalk.
15. Delete note "No building permit shall be issued unless and until a Final Development Plan is approved by the Planning Commission" on plan.
16. Denote proposed and existing easements.
17. Denote required parking in site statistics.
18. Addition and numbering of notes from Preliminary Development Plan.
19. Clarify street cross-section to indicate curb and utility strip width (per Zoning Development Plan).
20. Complete tree preservation information (canopy square footage from new plantings).
21. Increase scale of property for improved legibility.
22. Denote R-1T/R-4 zoning boundary (along rear property boundary).
23. Addition of 10' building line setback.
24. Denote bearings and distances on all lot lines.
25. Delete "proposed zone" from site statistics.
26. Denote height of fence in front yard.
27. Denote compliance with Article 15-7(a) of the Zoning Ordinance prior to plan certification.
28. Review by Technical Committee prior to plan certification.
29. Discuss usable open space proposed and fence encroachment into required front yard.

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting an indefinite postponement of DP 2014-34: LYNN GROVE ADDITION, LOTS 79 & 80 (AMD).

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for indefinite postponement. There was no response.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Smith and carried 8-0 (Berkley, Blanton and Wilson absent) to indefinitely postpone DP 2014-34: LYNN GROVE ADDITION, LOTS 79 & 80 (AMD).

Note: Mr. Wilson arrived at this time.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, May 1, 2014, at 8:30 a.m. The meeting was attended by Commission members: Carolyn Plumlee, Joe Smith, Will Berkley, Karen Mundy, Frank Penn and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman, Denise Bullock and Kelly Hunter, as well as Captain Greg Lengal and Lieutenant Joshua Thiel, Division of Fire & Emergency Services; and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

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General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. CONSENT AGENDA - NO DISCUSSION ITEMS – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

- Criteria:**
- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
 - (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
 - (3) no discussion of the item is desired by the Commission; and
 - (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
 - (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

- a. PLAN 2014-22F: NEWMARKET PROPERTY, PHASE I, UNIT 1-D, LOTS 10-28 (6/30/14)* - located at 1321 Deer Haven Lane. (Council District 12) **(EA Partners)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of exaction information to the approval of the Division of Planning.
8. Addition of all tree protection areas.
9. Addition of Lot 63 to plat.

- b. PLAN 2014-26F: SPRINGDALE SUBDIVISION #2 (AMD) (7/21/14)* - located at 659 Mitchell Avenue. (Council District 10) **(2020 Land Surveying)**

Note: The purpose of this amendment is to subdivide the property into 11 lots and to reduce the existing building line to 10'.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Denote: This property shall be developed in accordance with the approved final development plan.
9. Remove "access and reciprocal parking easement" from dumpster pad area.
10. Clarify owner's certification in reference to sanitary sewers.
11. Review by Technical Committee prior to plan certification.

- c. PLAN 2014-27F: RICHARDSON PROPERTY, UNIT 8, SECTION 3, LOT 5 (7/22/14)* - located at 376 Chilesburg Road. (Council District 7) **(John Hill)**

* - Denotes date by which Commission must either approve or disapprove request.

Note: The purpose of this amendment is to subdivide one lot into eight lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 8. Increase font size of plan notes.
 9. Complete vicinity map information.
 10. Certification of an amended Final Development Plan prior to certification of the Final Record Plat.
 11. Addition of name and address of property owner & developer.
 12. Addition of standard private access easement maintenance note.
 13. Addition of development standards.
 14. Addition of exaction information (9 lots versus 8 lots) to the approval of the Division of Planning.
 15. Addition of notes from Cabinet N – Slide 197 that pertains to this plat.
 16. Addition of lot numbers and street addresses.
 17. Complete plan title.
 18. Review by Technical Committee prior to plan certification.
- d. PLAN 2014-28F: DENTON FARM, INC., UNIT 3A, BLOCK E, LOT 30 (AMD) (7/22/14)* - located at 274-278 Somersly Place. (Council District 7) **(John Hill)**

Note: The purpose of this amendment is to subdivide one lot into three lots and change the boundaries on Lot 30.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Denote: This property shall be developed in accordance with the approved final development plan.
 8. Addition of name and address of property owner & developer.
 9. Addition of date of preparation on plan.
 10. Complete adjacent property information.
 11. Clarify area of amendment on vicinity map.
 12. Correct dimension on rear of Lot 30.
 13. Addition of general notes from previous Final Record Plat (Cabinet M – Slide 736).
 14. Addition of exaction information to the approval of the Division of Planning.
 15. Review by Technical Committee prior to plan certification.
- e. DP 2014-35: SOUTH BROADWAY PLACE, PHASE IV, LOT 1 (AMD) (6/29/14)* - located at 1080 South Broadway. (Council District 3) **(CMW, Inc.)**

Note: The purpose of this amendment is to reduce the parking by four spaces and add four bicycle spaces to an existing restaurant use.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
7. Denote record plat designation "Cabinet J, Slide 951" on plan.
8. Denote construction access point on plan.
9. Correct note #1 to reference "Chapter 16 of the Code of Ordinances."
10. Denote all existing building envelopes, and all buildings from previous plan.

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11. Denote location of awning from previous plan.
12. Clarify area of amendment on vicinity map.
13. Addition of tree protection information from previous plan.
14. Denote location of restaurant outdoor seating.
15. Correct access and utility easement to match that on the Final Record Plat.

- f. DP 2014-36: LANSLOWNE MERRICK SUBDIVISION, UNIT 16, BLOCK E, LOT 33 (CHINOE VILLAGE SHOPPING CENTER) (AMD) (6/29/14)* - located at 1050 Chinoe Road. (Council District 5) **(Banks Engineering)**

Note: The purpose of this amendment is to depict a 2,141 sq. ft. addition between the existing restaurant and office buildings, and to remove the gas pumps.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
 7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 8. Clarify height of building addition and relationship to adjacent structure.
 9. Clarify status/location of landscape islands near pharmacy drive-through.
 10. Delete "buildable area" information in all areas except for new construction (2,141 sq. ft. area).
- g. DP 2014-37: LEXINGTON MEDICAL ARTS PROPERTY & PROFESSIONAL PARK (HOME 2 SUITES) (AMD) (6/29/14)* - located at 2368 Professional Heights Drive. (Council District 4) **(Wheat & Ladenburger)**

Note: The purpose of this amendment is to increase the height of the retaining walls proposed on the site.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree preservation plan.
 6. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 7. Clarify or correct notation on retaining wall detail inset.
 8. Correct purpose of amendment note.
 9. Denote that Board of Adjustment approval shall be required prior to plan certification.
- h. DP 2014-27: KIRKLEVINGTON HILLS APARTMENT (AMD) (7/22/14)* - located at 3050 Kirklevington Drive. (Council District 4) **(Vision Engineering)**

Note: The purpose of this amendment is to add a new apartment building and outdoor appurtenances. The Planning Commission originally approved this plan on April 10, 2014, subject to the conditions listed below.

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Addition of all proposed and existing easements.

Note: The applicant now requests a continued discussion to add 400 square feet of floor area to the existing club house.

The Subdivision Committee Recommended: **Approval**, subject to the conditions approved on April 10, 2014, with one additional condition:

10. Clarify addition in site statistics.

* - Denotes date by which Commission must either approve or disapprove request.

- I. DP 2014-42: LEXINGTON MALL (SOUTHLAND CHRISTIAN CHURCH) (AMD) (7/21/14)* - located at 2359 Richmond Road. (Council District 5) **(GRW)**

Note: The purpose of this amendment is to add a 200 sq. ft. storage building to Lot 7.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
6. Correct building floor area to 5,389 sq. ft. (as approved) for restaurant building on Lot 7.
7. Correct purpose of amendment note to read: "addition of 200 sq. ft. storage building on Lot 7".
8. Review by Technical Committee prior to plan certification.

In conclusion, Mr. Sallee said that these items identified on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration by a member of the Commission or the audience, in order to permit further discussion.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Ms. Mundy and carried 9-0 (Berkley and Blanton absent) to conditionally approve the items listed on the Consent Agenda, as recommended by the Subdivision Committee

- B. **DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:

- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the meeting. The Chair will announce his/her decision at the outset of the hearing.

1. **FINAL SUBDIVISION PLAN AND DEVELOPMENT PLANS**

Note: The next two items were heard simultaneously.

- a. PLAN 2014-17F: GREENDALE HILLS, UNIT 2, LOT 98 (6/1/14)* - located at 2930 Spurr Road. **(EA Partners)**
(Council District 2)

Note: The Planning Commission postponed this plan at their April 10, 2014, meeting.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding the timing of the construction of the collector street system, and the proposed use of a cul-de-sac rather than a local street.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.

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8. Complete requirements of Article 4-5(b) once 30% of infrastructure design is complete, prior to certification.
 9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
 10. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
 11. Discuss the timing of the construction and dedication of the collector street system.
 12. Discuss the proposed cul-de-sac termination of Cielo Vista Road.
 13. Discuss existing and proposed Preliminary Subdivision Plans.
- b. DP 2014-23: GREENDALE HILLS, UNIT 2 (AMD) (6/1/14)* - located at 2930 Spurr Road.
(Council District 2) **(EA Partners)**

Note: The Planning Commission postponed this plan at their April 10, 2014, meeting. The purpose of this amendment is to develop an assisted living facility, and revise the pattern of the local streets.

The Subdivision Committee Recommended: Postponement. There are questions regarding the timing of the construction, the dedication of the collector street system and the proposed use of a cul-de-sac instead of a local street.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Greenspace Planner's approval of the treatment of greenways and greenspace.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Denote pedestrian access to greenway per DP 2006-69.
12. Denote Board of Adjustment's approval of a conditional use permit for an assisted living facility.
13. Clarify assisted living facility dimensions and total square footage proposed.
14. Discuss timing of construction and dedication of collector street system.
15. Discuss construction entrance(s).
16. Discuss proposed local street termination.
17. Discuss hammerhead cul-de-sac detail.

Development Plan Presentation – Mr. Sallee directed the Commission's attention to two plan renderings for Greendale Hills Subdivision, Unit 2, and noted that both of these requests are for property located at 2930 Spurr Road. He explained that the first item is the final record plat for Unit 2, Lot 98 (PLAN 2014-17F), adding that the applicant has requested a waiver to Article 6-8(b) of the Land Subdivision Regulations for this plat. He noted that this waiver was related to the lack of street continuity proposed for this property. He said that the staff report would be presented later in the meeting. He then said that the second request is for the amended final development plan for Unit 2 (DP 2014-23), and the purpose of this amendment was to develop an assisted living facility, and revise the pattern of the local streets. He informed the Commission that there is an existing development plan for this property (DP 2006-69) that was previously approved for the subject property by the Commission.

Mr. Sallee displayed for the Commission a series of aerial photographs of the subject property, and said that there is only one stub street and very few streets leading to the bulk of the property. He explained that the subject property is located in between Leestown Road and Georgetown Road, and noted that the I-64/I-75 interchange is northeast of the subject site. He said that the completed portion of Citation Boulevard terminates east of the subject property at Jaggie Fox Way. The future right-of-way of Citation Boulevard has been procured and will allow this street to continue from Jaggie Fox Way, along the front of the subject property, ultimately connecting to Alexandria Drive. He said that Citation Boulevard will run through the Masterson Station and Masterson Hills neighborhoods, which are bounded by the Urban Service Area, Masterson Station Park, and the Blackburn Correction Facility. He then said that the arterial roads in this area include Georgetown Road, Leestown Road and the future Citation Boulevard. The collector streets that are surrounding this site will include Sandersville Road, Greendale Road and Lucille Drive, as well as Masterson Station Drive.

Mr. Sallee said that what is driving the final record plat is construction of an assisted living facility on the 7.3-acre tract, located at the current terminus of Cielo Vista Road. He explained that an assisted living facility is

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a conditional use in a Planned Neighborhood Residential (R-3) zone, and noted that the Board of Adjustment had approved the applicant's request for this use on April 25, 2014. He said that there are several streets that stub into this site, and there are at least two streets (Lucille Drive and Estrella Drive) that have been planned to make a connection through the property as it develops. He then said that the applicant has proposed a new collector street (Magnolia Springs Drive) that would connect the future Citation Boulevard to Lucille Drive.

Mr. Sallee said that the applicant has proposed to develop a 50,000 square-foot, two-story assisted living facility and associated parking. He said that, in reviewing the amended development plan, the applicant has redesigned the street system to remove the connection of Cielo Vista Road, making it into hammerhead cul-de-sac. This redesign changed the apartment layout that was previously approved in 2006 and 2007 and reapproved in 2012, to have the apartments only on one side of Magnolia Springs Drive. He said that the applicant has proposed an emergency access into the property through the parking lot next to the cul-de-sac Cielo Vista Road.

Mr. Sallee then said that the Commission has 90 days to review a request once it is filed with the staff; and unless the applicant requests that it be postponed, the Commission must take action before the 90-day deadline. He directed the Commission's attention to the Supplemental Staff Report for C-2014-15: TIM HUBER/RAMSEY DEVELOPMENT, and said that the staff believed that the assisted living facility was a good use for this property and recommended approval of it to the Board of Adjustment, for the following reasons:

- a. Although collector and arterial streets do not currently exist to the subject site, the arterial street is expected to be completed by the time construction of the requested assisted living facility is completed. In addition, collector street connections are proposed to be constructed by the applicant and/or the developer by the time this requested conditional use is set to open. Therefore, with these facilities in place, ensuring a connected street system in this area, granting the requested conditional use permit should not adversely affect the subject or surrounding properties, or this residential neighborhood. Adequate off-street parking will be provided onsite for the use of the new building proposed.
- b. With the completion of all necessary local, collector and arterial streets, all public facilities and services would be available and adequate for the proposed use, since this location is "grandfathered" under the Capacity Assurance Program (for sanitary sewer service).

Mr. Sallee said that the recommendation of approval was subject to the following conditions:

1. The site shall be developed in accordance with the submitted site plan, provided that the cul-de-sac shown for Cielo Vista Road is replaced by a street aimed so that an intersection may be provided either to Estrella Drive or to the collector street to the west of the subject site.
2. All necessary permits shall be obtained from the Divisions of Planning, Engineering and Building Inspection prior to construction and occupancy of the building.
3. A storm water plan for the site shall be accepted by the Division of Engineering prior to any construction.
4. The collector street to the west of the subject site shall be constructed, and dedicated as a public street, prior to the issuance of an Occupancy Permit.
5. Otherwise, screening of the parking lot, as required by Article 18 of the Zoning Ordinance, is to be installed prior to the issuance of an Occupancy Permit.
6. Any back-up power generator on this site shall be located at least 100' from any single family home on adjacent property, and shall be landscaped and screened from adjacent residences.

Mr. Sallee then directed the Commission's attention to condition #1, and said that, from the staff's perspective, there was an issue with changing Cielo Vista Road to a cul-de-sac versus having it connect through this property. He then said that the staff presented their concerns to the BOA, and the Board recommended adding new text to condition #1 to their recommendation.

Mr. Sallee said that the BOA had asked questions concerning who had jurisdiction over the street pattern; and at the end of their discussion, they recognized that the Planning Commission would be the appropriate body to decide what the street pattern for Cielo Vista Road and the other streets would be in this area. This change was reflected in their motion (underlined text in condition #1).

Mr. Sallee directed the Commission's attention to the remaining staff exhibits and noted that many of these handouts were presented to both the Board of Adjustment at their hearing and to the Subdivision Committee at their May 1st meeting. He briefly explained that each of these layouts shows a different street pattern on this property, and the first schematic is what the Commission had previously approved. He said that the street system pattern is shown in a grid-like pattern with Cielo Vista Road, Estrella Drive and Lucille Drive making a connection through the property.

Mr. Sallee then said that the applicant's proposal has a street system with only Estrella Drive and Lucille Drive making a connection, while Cielo Vista Road has been terminated, ending in a hammerhead cul-de-sac. He noted that one of the key concerns with the staff is the other end of Cielo Vista Road. He explained that, at the end of Cielo Vista Road, there is a 7-acre tract of land, with an approved development, that was rezoned to

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Neighborhood Business (B-1) zone. He said that Cielo Vista Road is not a typical residential local street because it intersects and bisects the 7-acre tract of land. The staff believes this to be a significant issue with both the plat and the development plan because the residents of this area larger will want a clear route to those future services. He said that the staff had recommended to the Board that Cielo Vista Road should not be terminated into a cul-de-sac and instead, it should be connected with Estrella Drive. He then said that this continuation would be a viable option for the B-1 area to succeed, while still allowing the street connection.

Mr. Sallee said that the staff could only theorize on the applicant's hesitation to follow the staff recommendation, and there may have been a need for a full, 7 acre site, which would have resulted in the loss of land. He indicated that the staff believed that since the collector street was not yet built, it could be shifted toward the west, maintaining a full 7-acre of land for the assisted living development. Mr. Sallee said that perhaps Cielo Vista Road is being proposed as a cul-de-sac because there are future plans for the other streets to become cul-de-sacs as well in the future. He then said that Cielo Vista Road is different from many other residential streets because of the B-1 area at its terminus, and it is not a typical local residential street.

Mr. Sallee said that, at the Subdivision Committee meeting, the applicant informed the members of their plans for this property, and there was some discussion that the staff recommendation would require some type of waiver to the Land Subdivision Regulations. This is incorrect. He noted that the information used for the waiver was not taken off of the development plan, but rather that information was taken from the site plan that was presented to the Board of Adjustment. He directed the Commission's attention to the cul-de-sac exhibits from the Land Subdivision Regulations, and explained that there are three different types of cul-de-sacs that can be used for subdivisions. Those include the hammerhead design, and there are two the standard cul-de-sacs, one style has a 40' radius, and the other style has a 50' radius with an island in the center. He said that the Land Subdivision Regulations require Cielo Vista Road to be extended, and if it were connected to Estrella Drive, that it would need to meet a certain radius requirement. He then said that since Cielo Vista Road is not a loop street, a curve radius of 250' is needed. He added that if Cielo Vista Road had been a loop street, meaning there would be a termination on each end of the same street, then the radius could be reduced to only 100'. He said that Cielo Vista Road has intersections on each of its ends, connecting to two different streets; so it does not qualify for the reduced radius. He then said that there would also be an impact to the building line and the developable area with this type of street construction. It is the staff's opinion that the building and parking area could be shifted; but this would cause an impact on the overall site layout, especially the two garages proposed. Mr. Sallee said that should an island cul-de-sac be used, there would be a 40' shift in the layout of the site, resulting in no change to the development layout; but there would be an additional lot along Estrella Drive. He said that the if the standard cul-de-sac with the 40' pavement option were to be used, there would be very little impact to the proposed 20' building line, the street could be turned toward Estrella Drive, and the overall development design would not be impacted. These types of cul-de-sac would not require a waiver to the Land Subdivision Regulations, and the development plan for the assisted living facility would not need to be revised with any of these options.

Mr. Sallee directed the Commission's attention to the development plan rendering, and explained why the staff believes Cielo Vista Road should be connected. He said that the residents that live on the west side of Magnolia Springs Drive would have limited routes to enter the B-1 use at the opposite end of Cielo Vista Road. He then said that, using the applicant's design, the residents and vehicular traffic would have to travel north on Magnolia Springs Drive, and either turn on to Estrella Drive or Lucille Drive toward the B-1 development. However, the only impact with the staff's alternative design would be to Estrella Drive and the lots along that road, which have not yet been constructed. The staff's alternative design allows the residents and vehicular traffic to use either Cielo Vista Road, Estrella Drive or Lucille Drive to enter the B-1 development area. He said that the traffic would be more evenly distributed, and the existing residents on Estrella Drive would not see an increase in traffic flow. He added that because of the B-1 development, the staff strongly recommends that Cielo Vista Road be connected.

Mr. Sallee directed the Commission's attention to the revised recommendation for this development plan proposal, and said that the staff is recommending approval of this request, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.

12. Denote pedestrian access to greenway per DP 2006-69.
13. Denote Board of Adjustment's approval of a conditional use permit for assisted living facility.
14. Clarify assisted living facility dimensions and total square footage.
15. ~~Discuss timing of construction and dedication of collector street system.~~
16. ~~Discuss construction entrance(s).~~
17. ~~Discuss proposed local street termination.~~
18. ~~Discuss hammerhead cul-de-sac detail.~~
15. Eliminate hammerhead cul-de-sac detail, and continue Cielo Vista in a fashion consistent with the Land Subdivision Regulations.

Mr. Sallee said that conditions #1 through #10 involve the standard sign-off conditions from the different utilities and divisions of the LFUCG, and briefly explained that the remaining conditions were "cleanup" items. He informed the Commission that several conditions had been vetted at the Board of Adjustment and had been deleted from the list of conditions. He said that the staff would make a recommendation to eliminate the hammerhead cul-de-sac detail and continue Cielo Vista in a fashion that is consistent with the Land Subdivision Regulations (condition #15).

Final Record Plat Presentation - Mr. Martin presented the final record plat for Greendale Hills, Unit 2, Lot 98, located at 2930 Spurr Road. He directed the Commission's attention to the rendering and briefly reoriented them to the layout of the proposed site, the nearby street system and the proposed cul-de-sac. He said that the subject property is approximately 7 acres in size and will be located off Citation Boulevard along Magnolia Springs Drive. He then said that the applicant is proposing a hammerhead cul-de-sac at the end of Cielo Vista Road that will stub into the subject site.

Mr. Martin directed the Commission's attention to the revised recommendation for this final record plat proposal, and said that the staff is still recommending postponement of the applicant's request due to questions regarding the timing of the construction of the collector street system, and the proposed use of a cul-de-sac rather than a local street. He then said that should this request be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Complete requirements of Article 4-5(b) once 30% of infrastructure design is complete, prior to certification.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
11. ~~Discuss the timing of the construction and dedication of the collector street system.~~ Denote Planning Commission approval of Waiver on plat, and compliance with those related conditions.
12. ~~Discuss~~ Eliminate the proposed cul-de-sac termination of Cielo Vista Road.
13. ~~Discuss existing and proposed Preliminary Subdivision Plans.~~

Mr. Martin said that conditions #1 through #7 and #9 involve the standard sign-off conditions from the different utilities and divisions of the LFUCG, and briefly explained that the remaining conditions were "cleanup" items. He said that the staff is requesting the applicant complete the requirements of Article 4-5(b) once 30% of infrastructure design is complete, prior to certification (condition #8). The staff has yet to receive all of this information. He then said that the staff is recommending eliminating the proposed cul-de-sac termination of Cielo Vista Road (condition #12).

Mr. Martin said that there are two waiver requests associated with this request: Article 4-7(d)(1): Certification of Substantial Completion, which was made by the applicant; and Article 6-8(b): Street Continuity was identified by the staff (condition #10). He said that Article 4-7(d)(1): Certification of Substantial Completion is not an unusual request to be made, and this type of request tends to relate to the transference of the property ownership and to allow the public improvements to be coordinated with the development of the property. The applicant has verbally stated that this is the basis for their waiver request. He said that Magnolia Springs Drive, Cielo Vista Road and the nearby collector street are part of the public street system, and the applicant has requested to terminate Cielo Vista Road into a hammerhead cul-de-sac, if approved; or the Commission could decide to extend Cielo Vista Road toward Estrella Drive, as recommended by the staff. He said that, as part of the street system, this site would also have to be developed with a stormwater system. This system would flow into the detention basin across Magnolia Springs Drive onto the adjacent property.

Mr. Martin said that Article 6-8(b) of the Land Subdivision Regulations addresses street continuity, and it states that streets shall be related to topography and shall generally provide for the continuation of existing or dedicated streets in adjoining or nearby tracts. The staff believes this to be the circumstance with this case. He then said that with the currently approved plan, it shows that there is a planned local street system that is designed to support the collector street; and these systems work in tandem with each other. This connection will provide a level of service to ensure that the system will function better by providing more options to access different areas within the neighborhood. Mr. Martin said that because this plan was previously approved and reapproved by the Commission, and it is still currently active, the staff believes it is important to stress the fact that a waiver to Article 6-8(b) would be necessary. He then said that this is not to say that cul-de-sacs are not allowed, because they are built in many locations; however, cul-de-sacs are designed, measured and regulated under the Land Subdivision Regulations for length and geometrics. Mr. Martin said that Article 6-8(b) states that the street continuity shall be maintained, which is why the staff brought this issue to the Commission's attention. He then said that should the Commission approve the applicant's request, they will need to denote condition #11 on the final record plat. Also the staff is recommending that the applicant eliminate the proposed cul-de-sac termination of Cielo Vista Road (condition #12).

In conclusion, Mr. Martin said that the staff is recommending approval of the requested waiver of Article 4-7(d)(1), for the following reasons:

1. The requested waiver would relieve an exceptional hardship for the applicant by allowing the coordination of the public improvements with the construction of the other site improvements.
2. Granting the waiver will not negatively impact public health and safety, as the completion of public improvements for the lot will be required to be completed with the construction of the proposed assisted living facility.

Mr. Martin said that this recommendation is made subject to the following additional requirements:

- a. The applicant will post a Performance/Warranty Surety in conformance with the Land Subdivision Regulations to cover 100% of the construction costs of the public improvements.
- b. No Zoning Compliance Permit (and thus, no Occupancy Permit) will be issued prior to completion and dedication of streets and other public improvements.

Mr. Martin added that the staff is recommending disapproval of the requested waiver of Article 6-8(b), for the following reasons:

1. The requested waiver does not meet the intent of the Land Subdivision Regulations in protecting public health and safety, as its approval would reduce emergency response times to this site and would increase traffic congestion on adjoining streets solely as a result of a lack of street connectivity.
2. The applicant has not provided any justification (under Article 1-5 of the Land Subdivision Regulations) for this waiver, or that the continuation of Cielo Vista Road as a through street, as approved in the past by the Planning Commission, would be in conformance with the requirements of the Land Subdivision Regulations.

Planning Commission Questions – The Chair asked if condition #11 was still necessary or if it could be deleted. Mr. Martin said that condition #11 was related to the Rafferty building envelope notation, previously proposed for Parcel C2, and needs to remain listed on the conditions.

Representation – Rory Kahly, EA Partners, was present along with Jim Baker and Steve Haydon, who are the property owners and developers of Masterson Station; Rob Bush, who is the Director of Magnolia Springs Assisted Living Facility; and Tim Edwards with Ramsey Development. He directed the Commission's attention to the aerial photograph, and oriented them to the overall street system surrounding this proposal. He explained the location of the subject site in reference to the locations of Citation Boulevard, Leestown Road, Georgetown Road and Magnolia Springs Drive. He then explained that Citation Boulevard is an arterial street that will connect to Magnolia Springs Drive, which is a collector street. He added that Magnolia Springs Drive will then be connected to Lucille Drive, which is also a collector street. He noted that the developers have agreed to construct and dedicate Magnolia Springs Drive prior to the assisted living facility being occupied. He indicated the location of the requested hammerhead cul-de-sac on the rendering.

Mr. Kahly then directed the Commission's attention to the applicant's exhibit, and noted the following reasons for why they believe the requested hammerhead is a viable alternative to the connectivity in this area:

1. The cul-de-sac is our only issue. We are in agreement with all other conditions.
2. The BOA approved the use without a decision on the street connectivity. That issue is within the Planning Commission's purview.
3. The cul-de-sac is a legal design, per the Subdivision Regulations (Article 6 and Exhibit 7).
4. Cielo Vista Road length with the cul-de-sac is of legal length, per the Subdivision Regulations (Article 6-8(f)).
5. Cul-de-sacs are not a bad design, and are preferable to the majority of homeowners.
6. The construction of the Assisted Living Facility is estimated to take 12 months.

7. The current property owners have agreed to construct the proposed collector street (Magnolia Springs Drive/Amaryllis) to the existing Lucille Drive south of the site, off-site storm water management area, and all other required public infrastructure prior to the Issuance of a Certificate of Occupancy.
8. The estimated completion of Citation Boulevard is by the end of 2014. Greendale Road has already been improved by removing the tight "S" turns.
9. Upon completion of the overall area there will be 4 collector streets, an improved Greendale Road and an arterial within 2000' of this use. This is a residential area, except for the recent small B-1 area to the northeast.
10. The waiver is to allow the cul-de-sac and a portion of Magnolia Springs Drive to be constructed with the construction of the Ramsey Development's Assisted Living Facility.
11. Construction traffic can access this property from the public right-of-way via Lucille Drive and Citation Boulevard when it is completed this year.

Mr. Kahly noted that the requested waiver will allow the cul-de-sac and a portion of Magnolia Springs Drive to be constructed at the same time as the construction of the Ramsey Development's Assisted Living Facility. He explained that this is important because the final record plat will help to get this development in under Ramsey's Development and start the 12-month construction timeframe.

Planning Commission Questions -The Chair asked what street connections are being proposed at this time. Mr. Kahly noted on the rendering they are proposing to construct Magnolia Springs Drive, Lucille Drive, and the terminus of Cielo Vista Road. He said that the applicant has agreed to construct the hammerhead cul-de-sac as part of their site development.

The Chair then asked if the applicant is not proposing to connect Lucille Drive and Estrella Drive through the area. Mr. Kahly replied that was correct, and said that connecting Magnolia Springs Drive with Citation Boulevard and Lucille Drive is sufficient access for the proposed use. He then said that the proposed use is driving the development plan and the remaining will develop over time.

The Chair asked if the connections would be made before the construction begins on the facility. Mr. Kahly replied negatively, and said that the construction of the building and the infrastructure would be done simultaneously over the next 12+ months. The Chair then asked if the construction truck would need to use Cielo Vista Road to access the site. Mr. Kahly said that the route for the construction traffic would be the same route as the infrastructure, which is Lucille Drive. The Chair said that it seems that Magnolia Springs Drive and part of Lucille Drive would need to be built for the construction traffic. Mr. Kahly said that a construction truck for the building is no different than construction truck for the road.

Mr. Bush directed the Commission's attention to the Magnolia Springs exhibit, and gave a brief summary as to what they will be providing Lexington. He said that Magnolia Springs is an assisted living facility that is accredited throughout the State of Kentucky. He then said that they provide upscale assisted living services for seniors. He added that the facility houses up to 98 apartments with up to 100 residents. Mr. Bush said that they opened their first living facility in Louisville, Kentucky and have been providing senior living since 2009. He said that Magnolia Springs' goal is to enrich and celebrate their residents' lives. He added that they have put a lot of thought into not only the services they provide, but also the design of the homes where the residents will be living.

Mr. Bush said that they have one facility in Indiana and two facilities in Kentucky; and they have three more facilities that are under development, including this proposed project in Lexington. He then said that their buildings are, on average, about 9,500 square feet with two stories; and they are developed with an upscale feel with a home-like quality. There will be spacious hallways, tall ceilings and several common areas, as well as areas for privacy within the building. He said that they will employ up to 75 people per building, with an average payroll of \$1.5 million being brought into Lexington.

Mr. Bush explained that the average age of their residents is 81 years "young" and said that they are very active and they are living and enjoying their lives. He then said that their facilities are located on at least 7 acres of land, which allows an outdoor environment with scenic walking trails throughout the yard, gazebos, balconies, front and back outdoor patios and shuffleboard. They also provide raised gardens and garden activities for their residents. Their residents are very actively involved seniors and they want to continue to deliver their product to future residents.

In conclusion, Mr. Bush said that one of the most critical issues is the timing and getting into the Lexington market. He then said that most of the assisted living facilities are located on the south end of Lexington, and if the Commission approves their request, they would be the only assisted living facility on the north side of Lexington.

Mr. Baker explained that he and Mr. Haydon have worked together for more than 20 years in developing the Masterson Station area. He then said that, upon meeting the Magnolia Springs representative, they were asked if they had a site that was sufficient in size to accommodate an assisted living facility. He had told

their representative that they had a 5-acre tract. Their representative informed them that they would need a minimum of 7 acres, which is what led to this development layout. He said that, before they sold their property, they traveled to Louisville, KY to see what would be going into this area.

Mr. Baker directed the Commission's attention to the rendering, and explained that this site was originally proposed for an apartment complex, and on that proposal there were no street connections going through that area. He then said that the issue is Cielo Vista Road, but there are five major streets within 2,000 feet of this site. There is Citation Boulevard, which should be completed by the end of 2014. He said that, even if Citation Boulevard takes until 2015, this facility will take 12 months to complete. He then said that they will be building Magnolia Springs Drive, and they have agreed to continue Lucille Drive and connect it to Magnolia Springs Drive. He added that there are several other collector streets in the general proximity, including Mulundy Drive, Magnolia Springs Drive, Sandersville Road and so forth. He said that in looking at residential areas, there are not many that have a major street system in close proximity to one another. He then said that the lack of one street continuing through is not necessary for that connection to occur. This is a \$10 million facility with an annual tax of \$116,000 per year. He said that if 35 homes were built on this 7-acre piece of land, the City would get less than have of that revenue in property taxes. He then said that this project will be one of the highlights of the area, and the design of the building will be fantastic. He added that all of the utilities and sewer lines are in place for this project to begin. He said that Cielo Vista Road will be the only street stubbing into this property, and 150' from the property line there is another stub street that can be used for the construction access. He explained that they will be constructing Magnolia Springs Drive, and Citation Boulevard is currently under construction, and should be completed by the end of the year. The applicants want to begin construction on this facility in August in order to be able to do the interior work in the winter months.

Planning Commission Questions – The Chair said that two alternative plans were shown to the Commission that connect Cielo Vista Road to Estrella Drive, but there has been no explanation from the applicant as to why this connection can't be made. Mr. Baker said that it can be done; but making that connection will take away from the 7-acre site, resulting in more blacktop and less greenspace. He then said that that could also result in this facility not being built.

The Chair asked if the applicant had reviewed the two alternative plans, because one of the examples shows the creation of another lot along Estrella Drive, and the other example shows Magnolia Springs Drive to be shifted west, which adds acreage back to the site. Mr. Baker said that shifting Magnolia Spring Drive does nothing for this site because of how the building is oriented towards that street. He said that making a connection through the subject site will result in more than one lot being lost. He explained that this type of design would create two corner lots, which requires larger setbacks, resulting in three lots being impacted. Mr. Kahly added that there is nothing gained by turning Cielo Vista Road toward Estrella Drive. He said that there are still other collector streets that can be used; plus, Citation Boulevard intersects with Mulundy Drive, which runs into the B-1 use. Mr. Bush said that there are already two streets that border this property, and the two alternative designs only introduce more vehicular traffic to this site, which is unappealing to a homeowner. Mr. Baker said that he spoken to the nearby neighborhoods, and they are in agreement with this type of use, including the hammerhead cul-de-sac. He does not know of any opposition to this request and requested approval.

Mr. Penn asked if the hammerhead will be located on the property. Mr. Kahly said that it would be dedicated as a public street. Mr. Penn asked again if the hammerhead would be on the subject property. Mr. Kahly explained that the hammerhead cul-de-sac would be shown on the plat; then would be transferred to the Ramsey Development for them to begin construction. Later it would be dedicated to the City as public right-of-way. Mr. Penn then asked where Cielo Vista Road will terminate. Mr. Kahly said that Cielo Vista Road will terminate in the hammerhead. Mr. Penn said that that would be on the subject property. Mr. Kahly replied affirmatively.

Mr. Cravens asked if, they believe that if Cielo Vista Road were to terminate, it would provide more security for the residents living at the facility. Mr. Bush replied affirmatively, and said that a through street will bring in more traffic, potentially creating more security issues.

Ms. Mundy asked if, even though the hammerhead is on the subject property, that isn't a necessary evil for emergency services to access the rear building. Mr. Kahly explained that there will be multiple accesses to the building, and the Division of Fire has requested a service lane to be installed along the side of the property near Citation Boulevard. He added that a hammerhead is the correct determination to terminate a public street, plus it would allow more room for vehicles to turn around. He noted that there would be an emergency access provided on the property.

The Chair asked if the Division(s) of Traffic Engineering or Fire would like to weigh in on the discussion. Ms. Kaucher declined comment. Captain Lengal said that they have no other issues with the development plan as submitted, and the applicant is agreeable to providing the internal service road.

Staff Rebuttal – Mr. Sallee directed the Commission's attention to the site rendering, and said that the staff does not have an issue with the plans for the collector streets, and they believe this would be a good way to develop this area. He then said that the staff is concerned with the local streets because those streets are considered "infrastructure" as well. The staff also has no issues with having a modified cul-de-sac at this location. He said that, what is gained with making a connection to Estrella Drive is that the residents along this street would not have to bear an increase in traffic flow.

Mr. Sallee said that the staff has no problem with the landscape plan, but what appears on the applicant's rendering is only half of a hammerhead. He then said that the applicant has not requested a waiver to modify the dimensions of the proposed hammerhead from what is required by the Land Subdivision Regulations.

Mr. Sallee then said that, as to the point of the increased tax revenue, the staff has identified that this would be a good use at this location. He then said that, at every point, other than postponement of the plans for technical reasons, the staff has offered recommendations for approval, recommending only the one change discussed at this meeting.

Petitioner Rebuttal – Mr. Kahly said that the development plan will be what is guiding the hammerhead design. He then said that once the development plan and construction plans go forward they will design a legal hammerhead. The Chair confirmed that the hammerhead will be built according to the subdivision regulations. Mr. Kahly replied affirmatively, and said that there has been no mention for a waiver to change the size of the hammerhead.

Discussion - Mr. Drake asked, if the applicant is forced to adopt one of the staff alternatives, if there is a way to modify the development plan and still retain the site's outdoor amenities. Mr. Kahly said that, if the Planning Commission approves their request, per the staff's recommendations, and both the developer and the owner agree that it is still financially viable, then the development will supply those amenities.

Mr. Drake then asked how the developer would react to the staff's recommendations. Mr. Bush said that, as the operator of that facility, making a through street is the introduction of additional vehicular traffic, which is not ideal; and they are concerned with that issue. He then said that the building can be shifted to fit all of these amenities on the site, but having three streets around their home is not ideal. He added that this would be something that would make them reconsider the project if there is the potential for more traffic.

The Chair asked if the introduction of the cul-de-sac were to go forward, the facility would still have to have a fence around it. Mr. Bush replied that there is already a fence being proposed around the property. The Chair then asked what type of fence will be used. Mr. Baker indicated that they would be emulating the Louisville, KY facility that has a solid wood fence with a sculptured top.

Mr. Cravens noted that making the street connection is not a minor expenditure. Mr. Baker said that making that connection would result in three lots being lost, loss of greenway and it would create one unsuitable lot.

Ms. Plumlee said that the applicant had stated that the hammerhead would be to regulation, and asked if it could handle the larger vehicles. Mr. Kahly replied affirmatively.

The Chair asked if the applicant would be agreeable to have no construction traffic on Cielo Vista Road. Mr. Kahly said that they would be agreeable to only have the construction traffic that would be constructing the hammerhead from Cielo Vista Road.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Comments - Mr. Penn said that he is sensitive to the project; but the overall concern with this request is what works best for the neighbors around the project; and not what works best for the project. He then said that the Planning Commission's job is to build the best neighborhood they can build and access is part of the job. He added that it is fine to ask if it would be a deal breaker if the street had to be built, but the Commission has to do what is best for the neighborhood.

Ms. Mundy said that she understands that the Commission must look at the overall picture, but she believed the residents on Cielo Vista Road would rather have the hammerhead at the end of the street versus a through street. She then said that she also believes that the residents on Estrella Drive and Cielo Vista Road would rather have the traffic from this type of facility versus the traffic generated from an apartment complex. She added that a through street would be able to accommodate more traffic, but there are other routes through this area to get to the same place.

The Chair said that he does not believe this facility is the issue, but rather the issue is the connectivity of the streets. He then said that it seems that Cielo Vista Road is a main street coming into this neighborhood and

now there is a request to terminate that connection. He added that connecting Cielo Vista Road to Estrella Drive could somewhat benefit the area, but the concern is providing the street connection in this area.

Mr. Drake asked if there is any way to determine the traffic pattern on Cielo Vista Road. Ms. Kaucher replied that Cielo Vista Road is currently a through street; and it is the driver's expectation if they are coming from the business district that Cielo Vista Road will be a through street. She then said that if Cielo Vista Road is built as a cul-de-sac the residents on this road will hate the flow of traffic and end up complaining to the Division of Traffic Engineering. Mr. Drake confirmed that this is traffic that originates from the B-1 use. Ms. Kaucher replied affirmatively. Mr. Drake then said that he was more concerned with the traffic flow going to the B-1 uses. Ms. Kaucher said that Cielo Vista Road would allow a direct movement to and from the B-1 uses.

Action - A motion was made by Mr. Cravens to approve PLAN 2014-17F: GREENDALE HILLS, UNIT 2, LOT 98, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
8. Complete requirements of Article 4-5(b) once 30% of infrastructure design is complete, prior to certification.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Provided the Planning Commission grants a waiver to Article 6-8(b) of the Land Subdivision Regulations.
11. Denote Planning Commission approval of Waiver on plat, and compliance with those related conditions.

Deleting the following condition:

12. Discuss Eliminate the proposed cul-de-sac termination of Cielo Vista Road.

Discussion of Motion – Mr. Wilson said that he believed this will be a great project and he does not want to “kill” a project because of the hammerhead issue. He then said that he wished there was a way to keep the street connection, and preserve the site plan.

Mr. Penn asked, if the Commission goes against what the staff is recommending, if there should be reasons listed in the motion. The Chair replied negatively.

The motion was seconded by Mr. Drake and carried 5-4 (Penn, Brewer, Owens and Wilson opposed; Berkley and Blanton absent).

Action - A motion was made by Mr. Cravens to approve the waiver of Article 4-7(d)(1), for the following reasons:

1. The requested waiver would relieve an exceptional hardship for the applicant by allowing the coordination of the public improvements with the construction of the other site improvements.
2. Granting the waiver will not negatively impact public health and safety, as the completion of public improvements for the lot will be required to be completed with the construction of the proposed assisted living facility.

This recommendation is made subject to the following additional requirements:

- a. The applicant will post a Performance/Warranty Surety in conformance with the Land Subdivision Regulations to cover 100% of the construction costs of the public improvements.
- b. No Zoning Compliance Permit (and thus, no Occupancy Permit) will be issued prior to completion and dedication of streets and other public improvements.

Mr. Cravens included in his motion to approve the waiver to Article 6-8(b), for the following reason:

1. Granting the waiver will not negatively impact public health and safety as the proposed street system, as well as the existing street system, will provide for adequate street connectivity and access to the site and surrounding area due to the extensive collector street system in the area.

The motion was seconded by Ms. Mundy and carried 5-4 (Penn, Brewer, Owens and Wilson opposed; Berkley and Blanton absent).

Action - A motion was made by Mr. Cravens to approve DP 2014-23: GREENDALE HILLS, UNIT 2 (AMD), subject to the following requirements:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace.
9. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
10. Division of Waste Management's approval of refuse collection locations.
11. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
12. Denote pedestrian access to greenway per DP 2006-69.
13. Denote Board of Adjustment's approval of a conditional use permit for the assisted living facility.
14. Clarify assisted living facility dimensions and total square footage.

Changing the following condition to read:

15. ~~Eliminate~~ Allow hammerhead cul-de-sac detail, and continue Cielo Vista in a fashion consistent with the Land Subdivision Regulations.

Adding a new condition that reads:

16. No construction traffic on Cielo Vista Road.

The motion was seconded by Ms. Mundy and carried 6-3 (Penn, Brewer and Wilson opposed; Berkley and Blanton absent).

Note: A recess was declared by the Chair at 3:06 p.m. and the meeting re-convened at 3:13 p.m.

2. DEVELOPMENT PLANS

- a. DP 2014-16: CHANCELLOR SUBDIVISION (THE SPRINGS) (AMD) (5/8/14)* - located at 2000-2020 Harrodsburg Road. (Council District 11) **(Vision Engineering)**

Note: The Planning Commission postponed this plan at their March 13, 2014 and April 10, 2014, meetings. The purpose of this amendment is to redevelop Parcel C.

The Subdivision Committee Recommended: Postponement. There were some questions regarding the traffic impacts, storm water management and compliance with the tree canopy requirements.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Remove building envelope notation from parcel C-2.
12. Denote height of proposed buildings, in feet.
13. Clarify vehicle stacking area near proposed buildings.
14. Discuss storm water management and water quality measures.
15. Discuss traffic circulation and parking conflicts.
16. Discuss need for traffic generation study.
17. Discuss drive-through speakers and related restrictions.
18. Discuss traffic circulation and possible prohibition of direct access to Mitchell Avenue.
19. Discuss traffic calming improvements for Mitchell Avenue.
20. Discuss timing of construction of deceleration lane.
21. Discuss compliance with tree canopy requirements.

Mr. Martin presented the amended final development plan for the Chancellor Subdivision (formerly The Springs Inn property), located at 2000-2020 Harrodsburg Road. He directed the Commission's attention to a

* - Denotes date by which Commission must either approve or disapprove request.

rendering of this development plan, and he oriented them to the surrounding area and street system. He said that the subject property is located between the intersections of Harrodsburg Road & Lane Allen; and Lane Allen and Mitchell Avenue. He explained that the subject property currently has an existing CVS drug store, and the Commission had previously approved a portion of this site for a McDonald's Restaurant. He added that the Commission also recently approved an 11-unit townhouse development directly across from the subject property at 659 Mitchell Avenue.

Mr. Martin said that the purpose of this plan amendment was initially to redevelop Parcel C. The applicant is now proposing to remove the two fast-food restaurants that were previously proposed on this plan and add a 12,400 sq. ft. retail building and a 3,620 sq. ft. restaurant building. He then said that, since the Subdivision Committee meeting, the applicant had amended their development plan to add a 13,000 sq. ft. retail building on Parcel D. He explained that the site will have one full access point on Harrodsburg Road with a right turn lane into the site, and two full access points on Mitchell Avenue. He noted that, under this design, traffic can access the development through the CVS property on Lane Allen, as well.

Mr. Martin said that, since the beginning, there were several concerns pertaining to this development. One of those concerns was the potential traffic impact that the two fast-food restaurants would have on the nearby neighborhood and Harrodsburg Road. He then said that the applicant had revised their proposal by removing one of the fast-food restaurants and adding a retail store in its place. In addition, the applicant has also changed the traffic circulation throughout the property by designing each of the parcels to be more independent from the other parcels. This created a drive aisle from Harrodsburg Road to Mitchell Avenue. He said that, by proposing this type of layout, the traffic will be contained within each of the parcels, slowing any cut-through traffic movements through the other parcels.

Mr. Martin then said that the other concern with developing this property is the proposed storm water management improvements. He explained that there has always been an issue with the water quality and drainage on this site; and even though this site is being redeveloped, each of the parcels will need to address the water problem. He noted that the CVS drug store had provided an underground detention basin and water quality features, as will the McDonald's restaurant. As for this proposal, he explained that there are two springs in the general area. The larger spring is located on the adjacent property, and the smaller spring is located on Parcel D at the rear of the proposed lot. He said that the larger spring already flows into the pipe system that is located along the edge of the subject property, but the smaller spring is contained in a spring box on Parcel D. He explained that a spring box with at least six pipes was previously installed on the motel site, and the applicant will need to tie that box into the existing pipe system. He also noted that an underground detention basin will be provided on Parcel C-2 near Harrodsburg Road, which will also tie into the pipe system.

Mr. Martin said that the staff was concerned with the applicant's ability to comply with the tree canopy requirements; but with the revised submission, the staff believes the applicant is in compliance with those requirements.

Mr. Martin directed the Commission's attention to the overall parking on this development and explained that Parcel C-1 is proposing 36 parking spaces and a 3,620 sq. ft. restaurant building, Parcel C-2 is proposing 37 parking spaces, and a loading dock for a 12,400 sq. ft. retail building, and Parcel D is proposing 60 parking spaces for a 13,000 sq. ft. retail building.

Mr. Martin then directed the Commission's attention to the revised recommendation that was previously distributed, and said that the staff is recommending approval of this request, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
9. Division of Waste Management's approval of refuse collection locations.
10. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
11. Remove building envelope notation from parcel C-2.
12. Denote height of proposed buildings, in feet.
13. ~~Clarify vehicle stacking area near proposed~~ Addition of all buildings exterior dimensions, and label all canopies.
14. ~~Discuss storm water management and water quality measures.~~

14. ~~15. Discuss traffic circulation and parking. Denote that easement conflicts shall be removed by the certification of an amended plat prior to the issuance of a Zoning Compliance Permit (and a Certificate of Occupancy) for Lot D.~~
15. ~~16. Discuss Denote that there will be a need for revised traffic generation study prior to issuance of a Zoning Compliance Permit.~~
16. ~~17. Discuss Denote restrictions on drive-through speakers and related restrictions proposed on Lot C-1.~~
18. ~~18. Discuss traffic circulation and possible prohibition of direct access to Mitchell Avenue.~~
19. ~~19. Discuss traffic calming improvements for Mitchell Avenue.~~
17. ~~20. Discuss Denote timing of construction of deceleration lane on plan.~~
21. ~~21. Discuss compliance with tree canopy requirements.~~
18. Relocate loading docks a minimum of 100' from residential properties.
19. Relocate dumpsters and enclosures a minimum of 60' from residential properties.
20. Relocate all vehicular parking a minimum of 40' from residential properties.
21. Revise note #15 to indicate lighting will be directed "downward and away" from residentially zoned property.

Mr. Martin said that conditions #1 through #10 involve the standard sign-off conditions from the different utilities and divisions of the LFUCG, and briefly explained that the remaining conditions were "cleanup" items. He informed the Commission that condition #14 was related to the conflicts with the storm sewer easement and utility easement on Lot D. He said that, to address these two conflicts, the applicant will need to tie the drainage from the townhouse development across Mitchell Avenue into the storm sewer line that runs along the edge of this property; and as far as the utility easement, this easement was not platted back in the 50s, it was only referenced in a deed book. Both items can be addressed with the approval of a minor subdivision plat.

Mr. Martin said that, even though the staff received the current submission less than 24 hours ago, it has addressed several of the conditions previously identified by the Subdivision Committee. The staff also understands that the petitioner had recently met with the residents in the Mitchell Avenue Neighborhood Association to address their concerns, particularly the traffic issue. He said that the applicant has submitted funds to the Division of Traffic Engineering to assist in the installation of traffic calming devices on Mitchell Avenue, which is an aspect of the previous Commission approvals. He added that the applicant will need to denote, on the development plan, the revised traffic generation study prior to issuance of a Zoning Compliance Permit (condition #15). He explained that this condition was related to the original approval of CVS and the Commission's concerns with traffic impacts from the future development of this property. He said that, throughout the proposed development, the Commission has been shown traffic counts; and for this particular case, the staff did initially received updated information that was based upon two drive-through restaurants. However, the staff did not receive an updated traffic study for the latest proposal, but noted that a retail use and restaurant use would have a lesser impact on this area.

Mr. Martin directed the Commission's attention to the overhead projector, and said that the staff was concerned with the impact this area developing would have on the nearby neighborhoods. He noted that there are several restrictions being placed on each of the parcels, and one of those restrictions was related to the drive-through speakers on Parcel C-1. He said that the applicant will be using a type of intercom system that can adjust to the outside noise level (condition #16), so the loudness of the vehicle will determine the loudness of the speaker volume.

Mr. Martin then said that Parcel C-2 is proposing a loading dock and a triple dumpster at the rear of the lot. The staff is recommending that the applicant relocate the loading dock to approximately 100' from the adjacent neighborhood (condition #18), as well as relocate the dumpster area to a minimum of 60' from the adjacent neighborhood (condition #19).

Mr. Martin explained that there is a small grassy area between the adjacent neighborhood and the proposed parking spaces on Parcel D. He noted that there has been a recent meeting between the applicant and the neighborhood, and it is the staff's understanding that the two parties may have come to an agreement concerning this development. He said that, even though the staff was not included in those discussions, the staff still believes that the parking spaces along the side boundary of Parcel D should be removed and the parking spaces at the rear should be moved further away from Mitchell Avenue. This would help create a minimum of 40' between the adjacent residences on Springhurst Drive and Mitchell Avenue and this development. Mr. Martin concluded by saying that the staff is recommending approval of the proposed development, subject to the revised conditions, as previously outlined.

Planning Commission Question – The Chair asked if condition #11 was still necessary or if it could be deleted. Mr. Martin replied negatively and said that condition #11 was related to the Rafferty's building envelope notation previously proposed for Parcel C-2, and needs to remain listed on the conditions.

Representation – Matt Carter, Vision Engineering, and Tom Johnson, CRM Company, were present on behalf of this application. Mr. Carter said that, on today's agenda, the purpose of this amendment reads: "to redevelop Parcel C" and they request that be changed to read: "to redevelop Parcels C and D."

Mr. Carter then said that they did submit a revised development plan to the staff late in the day on May 7th and indicated that most of the clean-up items were addressed with that revised submittal. This included condition #11. He added that they did have an updated traffic impact study to submit to the staff (condition #15) and reported that the traffic numbers have been greatly reduced with the latest development plan submittal.

Mr. Carter said that they are in agreement with conditions #1 through #17. He indicated that they had met with the different divisions of the LFUCG, and made progress in resolving their concerns. However, as for conditions #18 through #21, they were not aware of these issues until right before today's meeting. He said that relocating the loading dock or the dumpster further from the property line would not be possible. He commented that there have been plenty of precedents set with the loading dock and dumpster areas being located closer than what the staff is suggesting. He then said that, as for the parking area, it is outside the landscape easements and meets the requirements. He added that they are proposing ample landscaping to hide the parking area on this development.

Mr. Carter explained that some of the items that were changed included the directional arrow, on Parcel C-1, from a two-way movement to a one-way movement, and removing the interior walls from the building on Parcel D, as well as noting the smaller spring on the development plan.

Mr. Johnson said that the development plan rendering being presented to the Commission is essentially the same one that had been shown to the different divisions of the LFUCG and the Committees. He then said that they have also been in contact with the nearby neighborhood association throughout this entire process and they believe the residents were pleasantly surprised with the latest revision, as well as the improvements that are being proposed to this site. He added that, by removing one of the fast-food restaurants, along with the improvements being made, there will be a decrease in the traffic flow in this area, which will also reduce the concern with vehicular and pedestrian safety.

Directing the Commission's attention to conditions #18 through #21, Mr. Johnson explained that, with the limited space, relocating the loading docks 100 feet from the side property line is not possible based upon the proposed layout for Parcel C-2. He said that they are trying to utilize the property the best way possible; and without the loading dock, their prospective tenant would not be able to appropriately run their business. He added that they have gone above and beyond landscaping the areas between their development and the nearby neighborhoods. He said that they are proposing multiple levels of landscaping, to include evergreens, in order to block the view of the dumpster area, as well as soften the noise level.

Mr. Johnson said that the 10 parking spaces along the residential side will be designated as "employee parking only". This will limit the use and traffic flow in this area. He then said that, as for the 16 parking spaces on Parcel D, they have redesigned the layout, relocating the parking against the building. This type of redesign resulted in the loss three parking spaces, but it allows the drive aisle to be next to the landscape buffer area between this development and the nearby residential homes. He indicated that the prospective tenant for Parcel D has concerns with the loss of the three parking spaces, and retaining the 10 parking spaces along the side property line is very important.

Mr. Johnson indicated that they are trying to profit from this development and they are developing this land the best way that is allowed under its current zoning designation. He said that their proposed design will utilize the limited amount space while making this a beautiful project and successful.

Mr. Carter said that the loading docks at the rear of Parcel C-2 have been designed at an angle, which brings it farther out from the side property line. He added that there are some further adjustments that can be made to help this area out.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. Tee Bergman was present, representing the Mitchell Avenue Neighborhood Association. She said that they appreciated the efforts that CRM has made with this development. She indicated that the applicant's previous proposal was unacceptable to the residents of this area, but the current proposal is very doable with the neighborhood.

Directing the Commission's attention to conditions #18 through #21, Ms. Bergman said that she was not familiar with all of the Land Subdivision Regulations, but she was aware of the 15' landscape buffer required between commercial and residential areas. She then said that if they were aware of this condition, they would have talked about the 40' landscape buffer area at the neighborhood meeting. She then said that she does not know if there is a good solution to the parking area on Parcel D, but she thought the width of the drive aisle could be reduced in size.

Ms. Bergman said that what is being proposed for the overall development is an improvement from the previous plans because it is directing the traffic away from Mitchell Avenue and back toward Harrodsburg

Road. She then said that the applicant has agreed to provide \$20,000 for the installation of traffic calming devices, as well as create a traffic calming "bulb-out" on Mitchell Avenue.

Ms. Bergman indicated that the applicant has really shown special attention to the landscape screening along Mitchell Avenue. She said that instead of the focus being on the hardscape of the development, the applicant will be creating an inviting visual feature with the proposed landscaping. As far as the neighborhood is concerned, this is a very positive feature with this development.

In conclusion, Ms. Bergman said that the only other concern with this development is the 16 parking spaces on Parcel D. She explained that there is a house on Mitchell Avenue that is less than 10' from the subject property line, and she is expecting that the residents closest to this development will be contacting her with their issues.

Planning Commission Discussion – Mr. Drake asked what the land use is on the adjacent property. Mr. Martin said that there is commercial use along Harrodsburg Road, and everything behind that building is residential.

The Chair said that it seemed that the new conditions came from the staff's review of the newest revision. Directing the Commission's attention to the overhead, Mr. Martin explained that the applicant is willing to compromise in moving the dumpster location on Parcel C-2 and the 10 parking spaces on Parcel D. He said that the new location is not as far as the staff would recommend, but they were willing to compromise on this issue.

Mr. Carter said that they can work with adjusting the dumpster and parking spaces, but they do need more room in this area for the larger trucks to maneuver in and out of the rear. He then said that his staff can use a software program to show the path and maneuverability that is needed for the larger trucks. Mr. Johnson said that he understands what the staff is trying to accomplish, but one of the concerns that they have is to keep the larger trucks out of the flow of traffic. He then said that they went to great lengths to have an opening off Harrodsburg Road in order to funnel the traffic into and back through the property. He added that their fear with the staff's design is that it would create a conflict with the larger trucks and incoming traffic. This is why they designed the loading docks to be out of direct traffic. He said that as for the dumpsters, the staff's design seems to have reduced the size of the dumpster; and in order for both Parcels C-2 and D to be serviced, a triple dumpster is needed. He then said that they have adjusted this layout the best way they could to keep the area between Parcels C-2 and D open to allow adequate circulation. He said that their design layout will keep the employee parking area and larger trucks out of the drive aisle and the flow of traffic. He then said that they are proposing multiple layers of landscaping along the side of the subject property to buffer the sound and headlights from the adjacent properties.

Mr. Johnson said that they were trying to accommodate the best design for the neighborhood by flipping the 16 parking spaces on Parcel D. He then said that people's preferences are different and some would rather have the drive aisle next to a residential area; but some would rather have the parking area next to a residential area. Each scenario creates different issues. He added that they would rather retain the original layout, but they are trying to use the property the best way possible to make it economically feasible for the applicant and the tenants. He said that they are confident that the Landscape Review Committee will be pleased with what they are proposing with regard to the sound and visual block.

The Chair said that he appreciated the work and effort that has been put into this property, and the development of this property continues to get better. He then said that he understands that the applicant had met with the Mitchell Avenue Neighborhood Association on May 6th and submitted a revised development plan to the staff on May 7th, less than 24 hours before the meeting. He indicated that the late submission places the staff and the Commission in a bind by trying to redo the layout of the development plan "on the fly." The Chair said that he would rather have this development plan continued to the next meeting versus working it out at the hearing. He asked if the applicant was agreeable to the new conditions presented by the staff as part of the solution. Mr. Johnson indicated that the staff has been aware of the layout of the buildings for more than 24 hours, and the submission that was presented to the staff had only a few internal changes on their development plan.

The Chair asked if conditions #18 through #20 could be changed to "resolve;" and if the issue can not be resolved, then it would be presented to the Commission. Mr. Sallee replied affirmatively, and said that a "resolve" condition would not require the dimensions to be shown. Mr. Carter asked, depending on what the "resolve" solution would be, if they can have the flexibility to reduce the parking spaces without bringing it back to the Planning Commission, since there is a surplus of parking. Mr. Sallee said that this is a typical condition associated with the sign-off by the Division of Traffic Engineering. The Chair asked if the reduction of parking can be approved by the Division of Traffic Engineering. Mr. Sallee replied affirmatively. The Chair asked if Ms. Bergman was agreeable. Ms. Bergman clarified that conditions #18 through #20 would be changed from "Relocate" to "Resolve." The Chair confirmed that all three conditions would be changed.

Ms. Bergman said that they would be agreeable if the Mitchell Avenue Neighborhood Association would be involved in those discussions prior to the plan coming back to the Planning Commission.

Mr. Johnson said that they have been very open and upfront with the residents of this area and they would be more than happy to meet with the residents, as they have done in the past, to try to resolve these issues. However, in their opinion, his client had purchased this property; and the land is zoned a certain way. He said that they are requesting the Commission to view this proposal from a reasonable perspective. He then said that his client is trying to develop the property as it is shown on the development plan; and with all due respect to the neighborhood association or any other group, it is ultimately up to the property owners and the Planning Commission to make those decisions and they are trying to stay within those guidelines. He said that this is a "slippery slope" to allow a neighborhood association to dictate a development, and could create a precedent. The Chair indicated that he understood.

Mr. Penn said that it is not the Planning Commission's place to play "let's make a deal"; and he believes that the staff, not the Commission, should figure out how much distance there needs to be. He then said that playing "lets make a deal" on a late submittal creates a serious situation and it is not the way the system is supposed to work. He added that this request needs to be either continued, or conditions #18 through #20 should be changed from "Relocate" to "Resolve." He believes that if this case can not be resolved, then it can be brought back to the Commission; but for this hearing, this uncertainty has gone on too long.

Mr. Brewer agreed and said that he believed these issues could be addressed by combining conditions #18 through #20. He said that everyone involved should be complimented in addressing the neighborhood's concerns, but this case should be moved along.

Mr. Brewer asked for guidance in revising the conditions. Mr. Sallee submitted the following changes to the Commission for their review:

18. ~~Relocate~~ Resolve locations of the loading docks ~~a minimum of 100'~~ from residential properties.
19. ~~Relocate~~ Resolve locations of the dumpsters and enclosures ~~a minimum of 60'~~ from residential properties.
20. ~~Relocate~~ Resolve locations of the all vehicular parking ~~a minimum of 40'~~ from residential properties.
21. Revise note #15 to indicate lighting will be directed "downward and away" from residentially zoned property.

Mr. Brewer asked if the three conditions should be kept as separate conditions or combined. Mr. Sallee said that he thought it would be better to keep the conditions separated. Mr. Brewer asked if the applicant was in agreement with the revised changes. Mr. Johnson replied affirmatively.

Action - A motion was made by Mr. Brewer, seconded by Mr. Wilson and carried 9-0 (Berkley and Blanton absent) to approve DP 2014-16: CHANCELLOR SUBDIVISION (THE SPRINGS) (AMD), including changing the purpose of amendment to include redeveloping Parcels C and D; and subject to the recommended conditions with these revisions:

18. Resolve locations of the loading docks from residential properties.
19. Resolve locations of the dumpsters and enclosures from residential properties.
20. Resolve locations of the vehicular parking from residential properties.
21. Revise note #15 to indicate lighting will be directed "downward and away" from residentially zoned property.

- b. DP 2014-38: PROVIDENCE MONTESSORI SCHOOL (FKA: FLORENCE CRITTENTON HOME) (6/29/14)* -
located at 519 West Fourth Street. (Council District 1) **(EA Partners)**

Note: This property requires the posting of a sign and an affidavit of such.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Dimension drive aisles and parking spaces.
11. Dimension buildings, including their height (in feet).
12. Dimension adaptive reuse features of the site (on the plan).
13. Denote floor area in site statistics.
14. Addition of tree preservation plan per the Zoning Ordinance.
15. Addition of cross-section on 4th street.

* - Denotes date by which Commission must either approve or disapprove request.

16. Addition of storm and sanitary sewer easement(s).
17. Provided the Planning Commission grants a finding that the project complies with Article 8-21(b)(23) and 8-21(o)(4) of the Zoning Ordinance.
18. Discuss timing of installation of proposed adaptive reuse features (rain garden & public art) vs. proposed occupancy.
19. Discuss access to proposed public art area.
20. Discuss status of access from W. 4th Street.

Staff Presentation – Mr. Martin presented the final development plan for the Providence Montessori School (FKA: Florence Crittenton Home), located at 519 West Fourth Street. He directed the Commission's attention to the rendering of the development plan and oriented them to the surrounding area and street system. He said that the subject property is located between West Fourth Street and Pilgrim Court and is adjacent to the future Rails-to-Trails path.

Mr. Martin said that the property where the Montessori Middle School will be located is in a Light Industrial (I-1) zone and will be part of an Adaptive Reuse Project. He said that the applicant has proposed to utilize and make improvements to the existing conditions of the property. He explained that access will be off West Fourth Street and the drive aisle leading to the buildings will be used, as well as the rear parking area. He said that the square footage for both buildings will total 10,460 square feet, and each of these two story structure, will be renovated for the classrooms.

Mr. Martin said that the staff had revised their recommendations, based upon a revised development plan received from the applicant.

The Staff Recommends: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
- ~~10. Dimension drive aisles and parking spaces.~~
- ~~11. Dimension buildings, including their height (in feet).~~
- ~~12. Dimension adaptive reuse features of the site (on the plan).~~
- ~~10. 13. Denote floor area in site statistics.~~
- ~~11. 14. Addition of tree preservation plan per the Zoning Ordinance requirement.~~
- ~~15. Addition of cross section on 4th street.~~
- ~~12. 16. Addition of Denote that plat dedicating storm and sanitary sewer easement(s) shall be certified prior to the issuance of a Zoning Compliance Permit.~~
- ~~13. 17. Provided the Planning Commission grants a finding that the project complies with Article 8-21(b)(23) and 8-21(o)(4) of the Zoning Ordinance.~~
- ~~14. 18. Discuss Denote timing of installation of proposed adaptive reuse features (rain garden & public art) vs. proposed occupancy.~~
- ~~19. Discuss access to proposed public art area.~~
- ~~20. Discuss status of access from W. 4th Street.~~

Mr. Martin directed the Commission's attention to the staff memorandum previously distributed. He briefly explained that an Adaptive Reuse Project must meet certain criteria, and one of the most important aspects of these requirements is for the existing buildings to be re-used. He said that, as part of the Adaptive Reuse Project, the size of the building and/or the historic value is an important factor, and the school will be re-using both buildings. He then said that the school is also proposing to establish an element of public art at the front of the property, and is providing bike and pedestrian improvements from the abandoned railroad easement. He noted that the Rails-to-Trails path will be oriented to the public art display along W. Fourth Street, and pavers will be used in the walking and parking areas. Mr. Martin said that, as part of the layout of the property, the school is proposing two rain gardens that will be part of the school's curriculum. This type of element is important because the students will be in charge of the design and development of these features, and it is also an important aspect of the Adaptive Reuse Project criteria. He noted that this project is located in the defined Infill and Redevelopment Area and it is supported by the 2013 Comprehensive Plan as well.

Mr. Martin then directed the Commission's attention to the staff exhibit, and said that the timing of the rain garden is also an important aspect for this site. He explained that a note had been used on past development plans that had requested a variance to the landscaping; and to ensure that the planting and

* - Denotes date by which Commission must either approve or disapprove request.

maintenance would be addressed on that property, the staff had recommended that the applicant add language on their development plan that reads: *"Planting and maintenance of these plantings are encouraged to become a part of the school's curriculum within the next three years."* He then said that, for this case, the staff is also recommending that a similar note be added to this development plan.

Mr. Sallee indicated that the staff did receive a letter from the Bluegrass Trust for Historic Preservation, who was in support of this application.

Planning Commission Question – The Chair asked if the staff is suggesting that the language on note #7, shown on the overhead projector, be added to the list of conditions. Mr. Martin said that the language on note #7 is an example of what was previously used on a past development plan. He then said that, since the applicant did state to the Subdivision Committee that rain gardens would be part of the school's curriculum, the staff would like to see a similar note be added to this development plan.

Representation – Steve Ruschell, attorney, was present on behalf of the applicant. He said that this application is "bringing them home," and explained that in 1965 the St. Peter Claver Montessori School was opened on the corner of Jefferson Street and Sixth Street, and they are delighted to be coming back to the neighborhood. He said that, since the late 60s, the Montessori school reputation has grown and has provided their graduates a wonderful education. He said that this application will be providing a new middle school for their elementary students, who want to further their education with the Montessori school. He submitted the appropriate documentation for the posting of a sign for this property and the required affidavit.

Mr. Ruschell said that this area is becoming an educational corridor that includes Transylvania University and their athletic fields, middle schools and the Bluegrass Community Technical College (BCTC). He then said that they are delighted to be able to use both of the buildings on the property, and they had received a support letter from the Bluegrass Trust, who was in support of their application. Mr. Ruschell said that the staff also agrees that this Adaptive Reuse Project complies with the applicable provisions listed in the Zoning Ordinance. He then said that this project is also in compliance with the Central Sector Small Area Plan and the 2013 Comprehensive Plan. He added that they are in agreement with the staff's recommendations and requested approval.

Mr. Ruschell explained that the Montessori school allows their students the ability to have hands-on experience in designing the rain gardens and the perma-agriculture features, and added that this activity is to be part of the school's curriculum. He then said that the public art feature will be created by the students and will be rotated through the public art area shown on their plan. They are requesting that the public art not be listed as a condition as part of the issuance of the Certificate of Occupancy.

Larry Temple, a Providence parent, was present on behalf of the Providence Montessori School. He explained that the reason they can not have certain features of the Adaptive Reuse Project completed prior to the school opening is because those features are to be created by the students. He indicated that a Montessori School motto is "anything a child can do, let them do, not do for them," which is a fundamental principle. He said that the middle school students take what they learn in the classroom, apply it to the school's grounds, through the school's land base curriculum studies. He then said that the students will have the Montessori team, as well as a Pedology (soil study instructor) on hand to help them design and execute the agricultural features. The students will then sell the vegetables to nearby restaurants, creating an integrated system. Mr. Temple said that this type of program evolves over a period of years, which is why they can not have it completed in the beginning. However, he did say that they can outline those activities in the school's curriculum.

Planning Commission Questions – Mr. Wilson said that his son graduated from the Montessori school, and he thanked the applicant and staff in providing that education to his son. He then said that he agrees with everything that has been said, but he asked if this project will impact the Texaco Road property. Mr. Temple said that this campus will be designated for their middle school students, and no changes will be made to the Texaco Road campus.

The Chair said that he believed that there are no issues with the facility or the proposed use for the property. He directed the applicant's attention to the overhead projector and asked if they were agreeable to the revised conditions outlined by the staff. Mr. Temple replied affirmatively.

The Chair said that he understands that the public art will be coming from the students and asked what the timeline will be for the students' art work to be displayed and what type of art work that would consist of. Mr. Temple explained that the Texaco Road campus had displayed a horse that the students created, named Green Bean, similar to the horses that are displayed around Lexington. He said that the Providence Montessori School would have a similar type of art displayed on their campus, hopefully soon after the campus is occupied in the fall.

Carol Hiler, Director of the Providence Montessori School, was present. She said that the school does have a designated art teacher committed working with the middle school students. She explained that they could display public art on the campus, but they believe it is very important to have the students' input and their involvement in these projects. She said that the students can make something that is meaningful to their experience and that they often come up with creative ideas.

Planning Commission Questions -The Chair said that the applicant was concerned that Building Inspection would not issue the Certificate of Occupancy because of the public art work not being displayed. Mr. Sallee directed the Commission's attention to condition #14 (Denote timing of installation of proposed adaptive reuse features (rain garden & public art) vs. proposed occupancy) and said that the staff was anticipating that the applicant denote the timing of those features on their plan, and that it not necessarily be prior to occupancy.

Mr. Penn asked if the location of the rain gardens or public art were to change, if the Commission would review an amendment to the development plan. Mr. Sallee said that the staff has never seen an Adaptive Reuse Project come back to the Commission for an amendment for this purpose. He then said that, should there be a slight change to the development plan, that could be considered a minor amendment and the Commission would not review the applicant's request. However, if the staff believes such a change is significant enough, then they would present those changes to the Commission for their consideration.

Mr. Penn said that there is nothing wrong with doing things for educational reasons, just as long as those projects do not become eyesores for the community. He then said that with the rain garden and the public art displays being located next to a neighborhood, he does not want to see an amendment to the development plan two years from now. Mr. Kahly said that, if the word "approximate" were to be added to the dimensions of each rain garden, this would allow some small tweaking to take place to coincide with the school's curriculum. Mr. Temple said that the wording reads "will become part of the school's curriculum in the next three years," but clarified that the rain gardens are to be part of the school's curriculum on day one. He then said that the rain garden and the perma-agriculture locations were mapped out and will stay in the proposed location. He indicated that they may add more rain gardens, but they will not remove the ones that are noted on the development plan. He added that the development of these rain gardens will take place over a span of time.

Mr. Martin said that Article 21 of the Zoning Ordinance allows the staff the ability to review and approve small alterations to a previously approved development plan. He then said that the staff can not approve a reduction in size, but they can approve small alterations to the rain garden through a minor amendment.

Mr. Penn said that he applauds that this will be an Adaptive Reuse Project, but education can change over time. He then said that he was trying to come up with a solution that would prevent the applicant from coming back to the Commission for approval should the school's curriculum change.

Ms. Plumlee suggested changing condition #14 to read "Denote: Installation of proposed adaptive reuse features (rain garden and public art) shall be curriculum directed" and adding a 15th condition to read: "Planting and maintenance thereof shall become a part of the school's curriculum within the next 3 years." Mr. Ruschell asked for clarification to condition #14. Ms. Plumlee restated her change to condition #14. Mr. Ruschell agreed to that change, and said that they would like to submit their findings of fact to the Commission. The Chair asked if findings of fact were needed for this Adaptive Reuse Project. Mr. Sallee replied that the staff previously distributed a memorandum to the Commission that serves that same purpose, but adoption of the applicant's findings would also be appropriate in this case.

Mr. Brewer asked if Ms. Plumlee suggested that the public art and rain garden will be curriculum directed. Ms. Plumlee replied affirmatively. Mr. Brewer said that he is uncomfortable mandating the school's curriculum to do anything and he did not believe that would be in the Commission's purview. Ms. Plumlee indicated that she was basing that change on Mr. Temple's testimony.

The Chair said that it seems that everyone is on the same page, and there is an understanding that the rain garden and the public art will be provided at some point in time. He then said that both the staff and the applicant have submitted findings for approval of this Adaptive Reuse Project.

Action - A motion was made by Mr. Wilson, seconded by Ms. Plumlee and carried 9-0 (Berkley and Blanton absent) to approve DP 2014-38: PROVIDENCE MONTESSORI SCHOOL (FKA: FLORENCE CRITTENTON HOME) subject to the revised conditions, as presented by the staff, changing condition #14 to read "Denote: Installation of proposed adaptive reuse features (rain garden and public art) shall be curriculum directed" and adding condition #15 to read: "Planting and maintenance thereof shall become a part of the school's curriculum within the next 3 years," including the findings of fact submitted by the applicant.

- c. DP 2013-19: BROOKHAVEN SUBDIVISION (AMD #10) (7/20/14)* - located at 2434 and 2450 Nicholasville Road. (Council District 4) **(Wheat & Ladenburger)**

* - Denotes date by which Commission must either approve or disapprove request.

Note: The purpose of this amendment is to add building square footage and revise the parking. The Planning Commission originally approved this plan on March 14, 2013, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection.
8. Label and dimension all internal sidewalks.
9. Denote the height (in feet) of existing and proposed buildings.
10. Denote all proposed and existing easements.
11. Clarify street cross-section information.
12. Remove cross-hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.
13. Identify existing and/or proposed dumpster and loading dock information at the rear of building.
14. Denote proposed outdoor seating in site statistics for restaurant "A."
15. Delete "optional" on parking north of new building.
16. Addition of street frontage in site statistics.
17. Revise plan to demonstrate compliance with the minimum required off-street parking.

Note: The applicant later requested a continued discussion of this plan to allow a larger athletic club facility and to eliminate the previously approved restaurant and office space from the development. The Planning Commission approved the applicant's request on September 12, 2013, subject to the original conditions 1-13 & 16; and adding the following revised conditions:

14. ~~Denote proposed outdoor seating in site statistics for restaurant "A."~~ Denote as "10th Amendment" in title block.
15. ~~Delete "optional" on parking north of new building.~~ Complete numbering of general notes.
17. ~~Revise plan to demonstrate compliance with the minimum required off-street parking.~~ Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.

Note: The applicant has now recently requested a continued discussion of this plan requesting to change the layout of the property, reduce the buildable area, and add an access point to Malabu Drive.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection.
8. Denote the height (in feet) of existing and proposed buildings.
9. Denote all proposed and existing easements.
10. Clarify street cross-section information.
11. Remove cross-hatching for "new" sidewalks and depict the same as existing ones along the Rite Aid street frontage.
12. Complete numbering of general notes.
13. Addition of street frontage in site statistics.
14. Documentation of Division of Water Quality's approval of Capacity Assurance Program requirements, prior to plan certification.
15. Depict lots per Final Record plat (Cabinet N – Slide 30).
16. Addition of building information from previous plan.
17. Correct or delete note #9.
18. Addition of written and graphic scale.
19. Eliminate the proposed access point to Malabu Drive.
20. Resolve note #14 pertaining to "reciprocal access & parking agreement."
21. Resolve possibility of a restaurant use on northeast corner of building.

Staff Presentation – Ms. Gallt directed the Commission's attention to Brookhaven Subdivision and said that this is an amended development plan for property located at 2434 and 2450 Nicholasville Road. She

oriented the Commission to the location of the subject property on the plan rendering, and explained that the site is located just off Nicholasville Road between Surfside Drive and Malabu Drive.

Ms. Gallt said that, as the agenda indicates, this site had been previously approved several times by the Planning Commission, and explained that the Commission had originally approved an increase in the square footage for a retail/office space along Nicholasville Road. She then said that the applicant had later requested a continued discussion to allow a larger athletic club facility and to eliminate the previously approved restaurant/office space along Malabu Drive, as well as change the use from retail to a restaurant use along Nicholasville Road. Now the applicant is requesting a continued discussion, asking to change the layout of the property and reduce the buildable area along Nicholasville Road, as well as an additional access point to Malabu Drive.

Ms. Gallt said that the Subdivision Committee had recommended approval of the applicant's request, subject to the conditions listed on today's agenda. She briefly explained that conditions #1 through #7 involve standard sign-off conditions from the different utilities and divisions of the LFUCG, and said that the remaining conditions are "cleanup" items. She directed the Commission to condition #19, and said that there are already multiple access points on Malabu Drive, and the applicant had requested additional access leading into the shopping center. Due to the requirements for a collector street, the staff felt that by adding another access point on Malabu Drive, it would not meet the distance requirements between the two existing access points. Therefore, the staff is asking the applicant to eliminate the proposed access point to Malabu Drive. Ms. Gallt then directed the Commission's attention to condition #20, and explained that easements are not created on development plans; therefore, the applicant will need to change note #14 to reflect the "reciprocal access & parking agreement," rather than an easement.

Ms. Gallt concluded by saying that this request was eligible for the Consent Agenda; but after the Subdivision Committee meeting, the applicant had submitted another development plan that shifted the parking area away from the Rite Aid Store. She said that even though that shift removed seven parking spaces from the shopping center, there is still a surplus of parking for this development. The staff is recommending approval, subject to the conditions listed on today's agenda.

Representation – Roger Ladenburger, Wheat & Ladenburger, was present, representing the applicant. He said that they are in agreement with the staff's revised recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Penn, seconded by Mr. Cravens and carried 9-0 (Berkley and Blanton absent) to approve DP 2013-19: BROOKHAVEN SUBDIVISION (AMD #10), as presented by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Cravens, seconded by Mr. Penn, and carried 9-0 (Berkley and Blanton absent) to approve the release and call of bonds as detailed in the memorandum dated May 8, 2014, from Barry Brock, Division of Engineering.

- VI. COMMISSION ITEMS** – No such items were presented.

- VII. STAFF ITEMS**

- A. WORK SESSION** – Mr. Sallee reminded the Commission of the upcoming Work Session on May 15, 2014.

- VIII. AUDIENCE ITEMS** – No such items were presented.

- IX. NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) May 28, 2014

Zoning Items Public Hearing, Thursday, 1:30 p.m., 2nd Floor Council Chambers **May 22, 2014**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) June 5, 2014

Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) June 5, 2014

Subdivision Items Public Meeting, Thursday, 1:30 p.m., 2nd Floor Council Chambers **June 12, 2014**

- X. ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 4:32 PM.